Appl. No. 09/896,238
Response to Final Office Action Summary

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	**09/896,238**	)	14 November 2008
Applicant	:	**Grune, et. al.**	)	
Filed	:	**06/29/2001**	)	
			)	
TC/A.U.	:	**2165**	)	**For: Simultaneous Intellectual Property**
Examiner	:	**Diane D. Mizrahi**	)	**Search and Valuation System and**
Docket No.	:	**SIPS-VSM**	)	**Methodology (SIPS-VSM)**
			)	
			)	
Commissioner for Patents			)	
Mail Stop: Amendment			)	
P.O. Box 1450			)	
Alexandria VA 22313-1450			)	

REMARKS

With regard to the Detailed Action section of the office action applicant failed to sign the March 8, 2007 office action, but did sign the June 17, 2007 office action as well as the subsequent November 30, 2007 office action. This failed signature was corrected.

With regard to the Examiner noting that claims 13-18 depend on canceled claim 1 and Claims 21 and 22 depend on canceled claim 9, these claims have been duly amended and the dependency has been corrected.

In regard to the drawings being objected to, wherein Figure 6 is not in the specification or in the original application. As the examiner requested, Applicant added Figure 6 to the amended specification on 1/27/2004 and has been prosecuting this application with the approval of the examiner from that date forward.

The specification is objected to wherein the Brief Description of the Figures appears in the application before the Summary of the Invention. Applicant notes the correct format as provided by the Examiner.

In regard to Detailed Action (III) Aurigin's PCT application WO98/55945 is hereby enclosed on a supplemental Information Disclosure Statement.

Examiner requests a copy of the Aurigin's PCT application WO98/55945. Applicant would like to inform the Examiner that the Aurigin's PCT application (to Rivette, et. al.) WO98/55945 contains 469 pages and a copy is hereby submitted on CD. Applicant reminds examiner that she can download from her own resources at the USPTO.

With regard to claims 12 and 19 being rejected under 35 USC 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

With regard to claims 12 and 19 being rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 (and its dependent claim 19) recite a "*system*" comprising a "*server...client and computer program*" for storing, retrieving and searching. The Examiner notes the disclosure of the present invention expressly states "*the server executes SIPS-VSM to run its intelligent agent.*" See Specification page 7 which states that "*computer executes the intelligent search engine.*" The Examiner's own interpretation is that all functions described herein may be performed in either hardware or software. Thus, for the purposes of examination, the Examiner interprets the recited "determining unit and the recited "*system*" to comprise only computer software. Accordingly, the "*system*" recited in claims 12 and 19 are in fact software systems and this fact is clear throughout the specification.

Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, claims 12 and 19 fail to recite statutory subject matter, as defined in 35 USC 101.

Claim 12, which has been previously presented, is clearly describing a process which can be implemented by using a computer. The functionality and utility of the invention and the results of using the invention is clearly described as follows: the system allows for searching, retrieving, and storing into and from one or more databases information regarding intellectual property within a technology exchange, a problem solving database, and a science and engineering database,*resulting in model mapping and valuing said intellectual property according to one or more search criteria specified by a user*

With regard to claims 12, 19 and 20 being rejected under 35 USC 103(a) as being unpatentable over Rivette, et. al. (U.S. Pat. No. 6,499,026) herein referred to as Rivette in view of Kevin W. Boyack, et. al. (Paper entitled. "Analysis of patent Databases Using VxInsight", March 29, 2001, Published by Sandia National Laboratories and referred to Boyack hereinafter). Neither Rivette not Boyack individually nor in combination describe the simultaneous or instantaneous retrieving, analyzing, mapping and valuing of IP in a technology space. Prior to the filing date of 6/29/2001. In fact, Boyack's description of the software developed at Sandia, VxInsight, is identical in function and design in most respects to the invention described by Rivette. Neither the patent by Rivette not the paper by Boyack include adding the valuation portion to the mapping portion of the present disclosure.